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**Bidzirk, LLC Daniel Schmidt III
& Jill Patterson**

Plaintiffs

VS

Philip J Smith

Defendant

**Civil Action #
6:06-0109-HMH-WMC**

**Request for
extension for
response**

Motion for hearing

I must ask the court for an extension to the previous order for submitting answers, admissions, and evidence. I can have this done on or before and delivered via certified mail to Plaintiff attorney by Sept 15 2007 at 5PM EST. I will try to get this accomplished sooner.

August is my biggest month of the year* and I simply have not had the time, patience, or ability to respond properly to Judge Catoe's order.

* I am in the field of Apple Computer work and I work for AT&T ... both have large back to school sales and product launches.

Furthermore, the strict and short deadline that Judge Catoe placed on me did not allow me enough time to consult with my EFF attorney assistance.

I am also quite confused by the last order ... Judge Catoe makes the contention that the majority of the questions are burdensome, meant to harass, or simply irrelevant. However the Judge failed to compel why ANY of the attorneys requests were relevant, not harassing, or burdensome.

The Plaintiff attorney's purpose is to harass me to a point of a mistake ... counting on Judge Catoe to not grant a motion, for me to miss some important paperwork, or some other technicality ... so as not to win on merit but on said possibility of a technicality.

Because of this litigation my self employed business is suffering drastically. First, I am an inventor and had several projects prior to even meeting the plaintiff in the building stages to acquire capital. I can not acquire capital if I am at risk of losing my assets.

As soon as the "Judge mandated" *lis pendens* removal took place my condo sold. This obviously proves a slander of title. I was also not able to access any funds regarding this sale during the *lis pendens* to use for attorney assistance.

While I have gathered approximately 50% of the requested submissions and materials from Judge Catoe's order ... I kindly request that the Judge make the Plaintiff attorney CLARIFY and RESTATE each item that the Judge requested. The Judge I feel erred in his submission requests as some of the questions asked for response were the very questions that the Judge called into question. Can I not get a simple one page set of questions and requests from the plaintiff attorney?

I would like for the Judge to know that I have responded completely as the Judge requested that I do to ALL of the plaintiff's requests and he is simply asking for clarifications to harass me as I have provided the majority of this information through deposition and previous submittal.


Motion for hearing: I also request a status conference and hearing. I would request

that the following be resolved at this hearing:

- 1) If I make less than \$30,000 a year and have \$34,000 in expenses, hold no savings, and hold no assets in my name, nor in trust ... where does the plaintiff expect to receive a judgement?
- 2) I want answered why the court has not confronted counsel on the validity of anything stated in my article ... meaning ... everything posted in said article was fact and presented in a way that the honorable Judge Catoe deemed as news reporting and news commentary which was then upheld by two courts. I also consider this a matter of free speech, of fair use, and competitive comparison. Where is the court's decision on the validity of ANY argument Plaintiff counsel makes?
- 3) Does the court have a response to EFF counsel, and advising attorneys statement that it seems **"Herlong law firm is getting preferential good ole boy treatment"** from the court?
- 4) Bidzirk by it's own poorly thought out business plan is no longer operating in Greenville County. They have abandoned two Greenville locations. What profitable asset is being protected with more attorney's fees than all of the past two year's worth of profits? Have there been any profits?
- 5) I want the courts clear explanation of how I am suppose to get a fair trial without access to evidence or means to properly prepare for questions that may be asked of me in court.

Thank you for allowing me until Sept 15 2007 to handle this immense burden ... please order Plaintiff attorney to submit to me through email if need be - concise questions and requests as I am confused on what to answer and what not to answer and what to ask advising attorneys for assistance with.

Philip Smith

 8/29/07